

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2412**

March 18, 2014

**SUMMARY OF BILL:** Creates a new offense for driving a motor vehicle when the person has been without sleep for a period in excess of 24 hours. Establishes the same punishment as that for DUI.

Allows a jury to infer willful or wanton disregard for the safety of others for purposes of reckless driving if the driver fell asleep while driving or was driving after having been without sleep for a period in excess of 24 hours.

Allows a jury to infer proximate cause of a fatal accident for purposes of reckless homicide if the driver fell asleep while driving or was driving after having been without sleep for a period in excess of 24 hours.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$31,700/Incarceration\***

Assumptions:

- It is assumed that there will be one admission every year for a fourth or subsequent offense of driving without sleep, a Class E felony.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- The average time served for a Class E felony is 1.31 years.
- A recidivism discount of 42.52 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving 1.31 years (478.48 days) for a total of \$31,718.44 (\$66.29 x 478.48 days).
- It is assumed that the proposed legislation will not significantly increase misdemeanor convictions.
- It is assumed that any impact to the caseloads of the courts, district attorneys, and public defenders can be accommodated within existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm